

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

MARIA ELENA MERCADO,

Plaintiff,

v.

TOYOTA FINANCIAL SERVICES,
INC., *et al.*,

Defendants.

Civil No. 21-13631 (RMB/AMD)

ORDER

RENÉE MARIE BUMB, United States District Judge

This matter comes before the Court upon Plaintiff Maria Elena Mercado's Motion for Default Judgment [Docket No. 12] and Defendants' Opposition thereto [Docket No. 15]. In order to obtain default judgment under FEDERAL RULE OF CIVIL PROCEDURE 55(b), a plaintiff must first secure an entry of default from the Clerk of the Court under Rule 55(a). *Allaham v. Naddaf*, 635 F. App'x 32, 36 (3d Cir. 2015). Only after the Clerk of the Court has entered default may the plaintiff move for default judgment pursuant to Rule 55(b)(2). FED. R. CIV. P. 55.

Here, Plaintiff has not secured entry of default from the Clerk of the Court. Thus, her Motion for Default is premature. Therefore,

IT IS this 1st day of November **2021**, hereby

ORDERED that Plaintiff's Motion for Default Judgment [Docket No. 12] is
DISMISSED WITHOUT PREJUDICE as premature.

s/Renée Marie Bumb
Renée Marie Bumb
United States District Judge